IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO.2191 OF 2004

Eugenio Pereira. ...Petitioner.
Vs.
The State of Maharashtra & Ors. ...Respondents.
....
Mr. Milind Vasudeo i/b. Khaitan & Jaykar for the Petitioner.
Ms. Geeta Shastri, A. G. P. for Respondent Nos.1 to 3.
Mr. A. G. Kothari for Respondent No.4.
.....

CORAM : DALVEER BHANDARI, C.J. &
DR.D.Y.CHANDRACHUD, J.

September 2, 2004.

P.C.:

The petitioner had retired on 31st December 1992 and was granted extension till the term upto 30th April 1993. After the retirement, the petitioner's case was finalised for the purposes of pension as an Assistant Teacher by respondent No.3. The petitioner claims that he ought to have been paid the pension as Headmaster. In pursuance to the show cause notice issued by this Court, the Deputy Education Inspector has filed affidavit. In the affidavit, it is clearly mentioned that the petitioner was not qualified to get pension as the Headmaster as he had acquired

B.A. Degree in July 1992. According to Rule 3(1)(b) of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981, the petitioner requires five years' teaching experience after graduation in order to be eligible to get pension as Headmaster. The petitioner is getting pension as Assistant Teacher. The petitioner acquired graduate degree in July 1992 and he superannuated in December 1992 itself. The petitioner admittedly did not have five years teaching experience after graduation. We find no merit in the writ petition. The writ petition being devoid of any merit, is accordingly dismissed.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.